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10 **BEFORE THE**
BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. 2009-309

13 RAM SINGH NEHARA
10200 Grizzly Street
14 Bakersfield, CA 93311

A C C U S A T I O N

15 Registered Nurse License No. 667935

16 Respondent.
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18 Complainant alleges:

19 **PARTIES**

20 1. Ruth Ann Terry, M.P.H., R.N. ("Complainant") brings this Accusation
21 solely in her official capacity as the Executive Officer of the Board of Registered Nursing
22 ("Board"), Department of Consumer Affairs.

23 2. On or about October 20, 2005, the Board issued Registered Nurse License
24 Number 667935 to Ram Singh Nehara ("Respondent"). Respondent's registered nurse license
25 was in full force and effect at all times relevant to the charges brought herein and will expire on
26 May 31, 2011, unless renewed.

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1 **STATUTORY AND REGULATORY PROVISIONS**

2 3. Business and Professions Code ("Code") section 2750 provides, in
3 pertinent part, that the Board may discipline any licensee for any reason provided in Article 3
4 (commencing with section 2750) of the Nursing Practice Act..

5 4. Code section 2761 states, in pertinent part:

6 The board may take disciplinary action against a certified or licensed nurse
7 or deny an application for a certificate or license for any of the following:

8 (a) Unprofessional conduct, which includes, but is not limited to, the
9 following:

10 (1) Incompetence, or gross negligence in carrying out usual certified or
11 licensed nursing functions . . .

12 5. California Code of Regulations, title 16, section ("Regulation") 1442
13 states:

14 As used in Section 2761 of the code, 'gross negligence' includes an
15 extreme departure from the standard of care which, under similar circumstances,
16 would have ordinarily been exercised by a competent registered nurse. Such an
17 extreme departure means the repeated failure to provide nursing care as required
18 or failure to provide care or to exercise ordinary precaution in a single situation
19 which the nurse knew, or should have known, could have jeopardized the client's
20 health or life.

21 **COST RECOVERY**

22 6. Code section 125.3 provides, in pertinent part, that the Board may request
23 the administrative law judge to direct a licentiate found to have committed a violation or
24 violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation
25 and enforcement of the case.

26 **FIRST CAUSE FOR DISCIPLINE**

27 **(Gross Negligence)**

28 7. At all times herein mentioned, Respondent was employed as a registered
nurse at North Kern State Prison in Delano, California.

 8. On March 18, 2007, Respondent worked the night shift (Respondent began
his shift at 2200 hours) and was assigned to provide care to three inmates/psychiatric patients

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1 who were on suicide watch. Respondent was required as part of his duties to check on each
2 patient every 30 minutes and to document those checks on the Patient Observation Records.

3 9. Respondent is subject to disciplinary action pursuant to Code section
4 2761, subdivision (a)(1), on the grounds of unprofessional conduct, in that on or about March 18,
5 2007, and March 19, 2007, Respondent was guilty of gross negligence within the meaning of
6 Regulation 1442, as follows: Respondent falsified the inmates' medical records by documenting
7 on the Patient Observation Records that he made the required 30 minute checks on the three
8 inmates when, in fact, Respondent was asleep from approximately 0000 to 0430 hours.

9 **SECOND CAUSE FOR DISCIPLINE**

10 **(Unprofessional Conduct)**

11 10. Respondent is subject to disciplinary action pursuant to Code section
12 2761, subdivision (a), in that on or about March 18, 2007, and March 19, 2007, while employed
13 as a registered nurse at North Kern State Prison in Delano, California, Respondent committed
14 acts constituting unprofessional conduct, as follows: Respondent accepted an overtime shift
15 causing him to be fatigued and slept during his shift, as set forth in paragraph 9 above, preventing
16 him from caring for his patients in a diligent manner.

17 **PRAYER**

18 WHEREFORE, Complainant requests that a hearing be held on the matters herein
19 alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

20 1. Revoking or suspending Registered Nurse License Number 667935, issued
21 to Ram Singh Nehara;

22 2. Ordering Ram Singh Nehara to pay the Board of Registered Nursing the
23 reasonable costs of the investigation and enforcement of this case, pursuant to Business and
24 Professions Code section 125.3;

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3. Taking such other and further action as deemed necessary and proper.

DATED: 6/5/09



RUTH ANN TERRY, M.P.H., R.N.

Executive Officer

Board of Registered Nursing

Department of Consumer Affairs

State of California

Complainant